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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,417	05/23/2001	David Chesavage	010337	3852
23696	7590	04/25/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			MILLER, BRANDON J	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/864,417	Applicant(s) CHESA VAGE ET AL.	
	Examiner Brandon J Miller	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,26-28 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,26-28 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. In view of the Appellant's Brief filed on 11/15/2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-7, 9-10, 14-15, 18, 20, 26-27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakura and Yamagishi.

Regarding claim 1 Sakakura teaches a system for maintaining data objects distributed on

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a network and a controller coupled to a network and operable to enable data communications (see abstract and see col. 1, lines 5-11). Sakakura teaches a communication device transmitting a data object update message and a corresponding data object update version sequence number after receipt of an update request message from a wireless communication device (see col. 8, lines 51-54, col. 9, lines 39-54, col. 14, lines 54-60, and Fig. 1). Sakakura teaches a receiver coupled to the network and operable to enable data communications with the network (see col. 9, lines 45-50). Sakakura teaches a memory for storing a data object based on the data object update message and a data object update version sequence number (see abstract and col. 2, lines 3-5 & 8-9). Sakakura teaches a processor coupled to a memory and operable to include a last received data object update version sequence number in an update request message (see col. 8, lines 51-54 and col. 9, lines 39-44). Sakakura also teaches a base station controller communicating with a network (see col. 6, lines 54-57 & 63). Sakakura does not specifically teach a network controller transmitting a data object update message after receipt of an update request message. Yamagishi teaches a server transmitting a data object update message after receipt of an update request message from a wireless communication device (see col. 8, lines 47-54 & 57-58 and col. 9, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the communication device transmitting a data object update message and a corresponding data object update version number in Sakakura adapt to include a network controller transmitting a data object update message after receipt of an update request message because a network controller is a communication device and it would allow for a more efficient method of maintaining and controlling data in a network.

Regarding claim 2 Sakakura teaches a memory for storing data object based on a data object update message transmitted to a receiver and a corresponding update sequence number (see abstract, and col. 8, lines 37-67).

Regarding claim 3 Sakakura teaches a memory for storing data object based on the data object update message transmitted to a plurality of receivers that includes the receiver and a corresponding update sequence number (see abstract, col. 6, lines 56-62 and col. 8, lines 37-67).

Regarding claim 4 Sakakura teaches incrementing an update sequence number for each data object update message transmitted to a receiver (see col. 8, lines 55-60 and col. 9, lines 39-44).

Regarding claim 6 Sakakura teaches including the latest received update sequence number in a message to a network controller (see col. 9, lines 1-8 & 39-44).

Regarding claim 7 Sakakura teaches a receiver is a wireless communication device and the network is a wireless network (see col. 6, lines 54-62).

Regarding claim 9 Sakakura teaches discarding messages from a receiver when a receiver's data object update sequence number is less than a last data object update sequence number (see col. 9, lines 59-64).

Regarding claim 10 Sakakura teaches a data object that represents a macro message and has a data object number (see col. 8, lines 55-60 and col. 14, lines 48-50).

Regarding claim 14 Sakakura teaches a receiver for communicating data signals using a network with a transceiver coupled to the network and operable to receive data communications (see abstract and col. 6, lines 59-60). Sakakura teaches a memory coupled to

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a transceiver for storing data objects and data object message version sequence numbers transmitted from a communication device in a data communication to the receiver (see col. 2, lines 3-5 & 8-9 and col. 9, lines 39-46). Sakakura teaches a processor coupled to the memory and transceiver and operable to include the last received update sequence number in a message to the network controller (see col. 8, lines 51-54 and col. 9, lines 39-44). Sakakura also teaches a base station controller communicating with a network (see col. 6, lines 54-57 & 63).

Sakakura does not specifically teach a network controller transmitting data objects and data object message version sequence numbers. Yamagishi teaches a server transmitting data objects and version information (see col. 8, lines 47-54 & 57-58, col. 9, lines 1-4, and col. 14, lines 13-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the communication device transmitting data objects and data object message version sequence numbers in Sakakura adapt to include a network controller transmitting data objects and data object message version sequence numbers because a network controller is a communication device and it would allow for a more efficient method of maintaining and controlling data in a network.

Regarding claim 15 Sakakura teaches operable to include a received object sequence number in a message to a network controller (see col. 9, lines 39-44 and col. 14, lines 48-50).

Regarding claim 18 Sakakura teaches a method of maintaining a distributed object system using a network (see col. abstract and col. 1, lines 5-11). Sakakura teaches receiving a data object update message with a data object update sequence number from a communication device (see col. 8, lines 51-54 and col. 9, lines 39-46). Sakakura teaches storing data objects based on the data object update message and the object version sequence number (see col. 2,

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lines 34-52). Sakakura teaches transmitting the last received update sequence number in a subsequent message to a communication device (see col. 8, lines 51-54 and col. 9, lines 39-44). Sakakura also teaches a base station controller communicating with a network (see col. 6, lines 54-57 & 63). Sakakura does not specifically teach receiving a data object update message with a data object update sequence number from a network controller or transmitting a last received version number to a network controller. Yamagishi teaches receiving data object update message and version information from a server (see col. 8, lines 47-54 & 57-58, col. 9, lines 1-4, and col. 14, lines 13-15). Yamagishi teaches transmitting version information to a network server (see col. 14, lines 13-15, col. 16, lines 40-43, and col. 17, lines 7-13 & 15-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the communication device in Sakakura adapt to include receiving a data object update message with a data object update sequence number from a network controller and transmitting a last received version number to a network controller because a network controller is a communication device and it would allow for a more efficient method of maintaining and controlling data in a network.

Regarding claim 20 Sakakura teaches maintaining a distributed data system using a network comprising: receiving a message from a wireless communication device, said message comprising an object version sequence number representing a state of a data object relating to a wireless communication device (see col. 1, lines 6-10, col. 2, lines 10-17, col. 9, lines 39-48 and Fig. 1). Sakakura teaches comparing an object version sequence number with another object version sequence number representing another state of a data object; and transmitting updated data to a wireless communication device if the object version sequence number is not

equal to the other object version sequence number (see col. 9, lines 48-56, col. 10, lines 1-7, col. 14, lines 56-61). Sakakura teaches a description of reference numerals used in the invention (see col. 8, lines 51-54). Sakakura does not specifically teach receiving a first state of a data object. Yamagishi teaches an identifier and version information representing a state of data object (see col. 14, lines 13-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the state of a data object in Sakakura adapt to include a first state because the state of a data object can be in a first state depending upon how the version information are appended to the data and it would allow for a more efficient method of maintaining data in a network.

Regarding claim 26 Sakakura teaches transmitting data objects in a second manner to a receiver (see col. 9, lines 51-54 and FIG. 5).

Regarding claim 27 Sakakura teaches comparing an object update sequence number with a local object update sequence number (see col. 9, lines 45-64).

Regarding claim 31 Sakakura teaches a controller for maintaining a distributed data system using a network (see col. 1, lines 5-11). Sakakura teaches a database for storing a data object and a corresponding data object version sequence number (see abstract and col. 2, lines 3-5 & 8-9). Sakakura teaches a transceiver for sending a data object update message and a corresponding data object version sequence number representing a state of data object (see col. 8, lines 51-54 and col. 9, lines 39-44). Sakakura teaches a communication device receiving a message from a wireless communication device comprising a data object version sequence number representing a state of a data object associated with the wireless communication device (see col. 9, lines 44-47). Sakakura teaches a processor for comparing a received object version

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sequence number with a data object version sequence number stored with a database, and further for transmitting updated data to a wireless communication device if a received object version sequence number is not equal to the object version sequence number stored in a database (see col. 9, lines 48-56, col. 10, lines 1-7, col. 14, lines 56-61). Sakakura also teaches a base station controller communicating with a network (see col. 6, lines 54-57 & 63).

Sakakura does not specifically teach a network controller receiving from a wireless communication device an object version sequence number representing a state of a data object. Yamagishi teaches a server receiving from a wireless communication device, version information representing the state of a data object (see col. 14, lines 13-15, col. 16, lines 40-43, and col. 17, lines 7-13 & 15-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the communication device receiving a message from a wireless communication device comprising a version number in Sakakura adapt to include a network controller receiving from a wireless communication device a version number because a network controller is a communication device and it would allow for a more efficient method of maintaining and controlling data in a network.

Claims 5, 8, 11-13, 16-17, 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakura in view of Yamagishi, and LaDue.

Regarding claim 5 Sakakura and Yamagishi teaches a device as recited in claim 1 except for data object represented in an encoded message. LaDue teaches a data object represented in an encoded message (see abstract and col. 30, lines 32-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Sakakura adapt to include data object represented in an encoded message because this would allow for the

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transmission of application specific data using manipulated data.

Regarding claim 8 LaDue teaches decoding a message from a receiver, where the message references a data object (see abstract and col. 30, lines 32-37).

Regarding claim 11 Sakakura teaches transmitting a data object version number to represent a message (see col. 9, lines 39-44). LaDue teaches an encoded message (see abstract and col. 30, lines 32-37).

Regarding claim 12 Sakakura teaches transmitting a data object version number to represent a message in a message network controller (see col. 9, lines 39-44). LaDue teaches decoding an encoded message (see abstract and col. 30, lines 32-37).

Regarding claim 13 Sakakura teaches sending data object update messages and corresponding data object update sequence number to the receiver based on an update sequence number included in a message from a receiver (see col. 9, lines 39-44).

Regarding claim 16 LaDue teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 17 Sakakura teaches using a data object number in a message to a network controller to identify a version of date message (see abstract and col. 8, lines 40-48). LaDue teaches an encoded message (see abstract and col. 30, lines 32-37).

Regarding claim 19 LaDue teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 28 Sakakura and Yamagishi a device as recited in claim 20 except for a step of comparing the object version sequence number with a local object version sequence number performed at a dispatch station. Sakakura does teach comparing an update version

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sequence number with an identifier (see col. 9, lines 45-64). LaDue teaches performing data operations at a dispatch station (see col. 12, lines 1-5 and col. 28, lines 55-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Sakakura adapt to include comparing the object version sequence number with a local object version sequence number performed at a dispatch station because this would allow for the transmission of application specific data using manipulated data.

Response to Arguments

Applicant's arguments with respect to claims 20, 26-27, and 31 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the mobile terminal transmits a current version number to the server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments filed 01/24/2005, with respect to claims 1-19, and 28 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kumar WO 00/62495 discloses a method of multicast file distribution and synchronization.

Yamagishi EP 0 876 029 A2 discloses a transmission system and transmission method, and reception system and reception method.

Yanaka U.S. Patent discloses a distributed database system and method of detecting contention in data update involved in replication of database data.

Kampe U.S. Patent discloses reliably updating an information service message.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

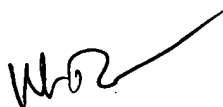
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'W. Trost', with a long, sweeping horizontal stroke extending to the right.

March 24, 2005

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600